

Chapter 8

THE COMMANDING OFFICER

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THE COMMANDING OFFICER

Section 1. Commanding Officers in General

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0801. Applicability.

In addition to commanding officers, the provisions of this chapter shall apply, where pertinent, to aircraft commanders, officers in charge (including warrant officers and petty officers when so detailed) and those persons standing the command duty.

0802. Responsibility.

1. The responsibility of the commanding officer for his or her command is absolute, except when, and to the extent to which, he or she has been relieved therefrom by competent authority, or as provided otherwise in these regulations. The authority of the commanding officer is commensurate with his or her responsibility. While the commanding officer may, at his or her discretion, and when not contrary to law or regulations, delegate authority to subordinates for the execution of details, such delegation of

authority shall in no way relieve the commanding officer of continued responsibility for the safety, well-being and efficiency of the entire command.

2. A commanding officer who departs from orders or instructions, or takes official action which is not in accordance with such orders or instructions, does so upon his or her own responsibility and shall report immediately the circumstances to the officer from whom the prior orders or instructions were received. Of particular importance is the commanding officer's duty to take all necessary and appropriate action in self-defense of the command.

3. The commanding officer shall be responsible for economy within his or her command. To this end the commanding officer shall require from his or her subordinates a rigid compliance with the regulations governing the receipt

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accounting and expenditure of public money and materials, and the implementation of improved management techniques and procedures.

4. The commanding officer and his or her subordinates shall exercise leadership through personal example, moral responsibility and judicious attention to the welfare of persons under their control or supervision. Such leadership shall be exercised in order to achieve a positive, dominant influence on the performance of persons in the Department of the Navy.

0803. Presence of Officer Eligible to Command.

1. Except as otherwise provided herein or otherwise authorized by the Chief of Naval Operations or the Commandant of the Marine Corps, as appropriate, at least one officer, whether in command or eligible to succeed to command, shall be present and ready for duty at each command (activity, unit or office). In the absence of the commanding officer or the executive officer, or both, their duties shall devolve upon the officer next in rank and eligible to succeed to command who is attached to and present in the command. An officer detailed for a day's duty for the purpose of assuming the commanding officer's duties in the absence of the commanding officer shall be known as the Command Duty Officer. Upon request of the officer senior in rank, eligible to succeed to command, who is attached to and present in the command, the Command Duty Officer shall defer to that officer. An officer who succeeds to command or is detailed to assume the commanding officer's duties during the temporary absence of the commanding officer shall make no changes in the existing organization and shall endeavor to have the routine and other affairs of the command carried on in the usual manner.

2. A superior, of flag or general grade, shall determine the presence of the officer in command or officer or officers eligible to succeed to command and ready for duty at each command or unit of the operating forces of the Navy and the operating forces of the Marine Corps. The commanding officer may, under criteria or conditions prescribed by a superior of flag or general grade, assign officers not eligible to succeed to command and qualified enlisted

personnel to serve as the Command Duty Officer.

3. Superiors shall determine the need and govern the presence of the officer in command or an officer or officers eligible to succeed to command and ready for duty at commands, offices, or activities not of the operating forces of the Navy and not of the operating forces of the Marine Corps. Under conditions prescribed by a superior, officers not eligible to command and qualified enlisted personnel may be assigned a day's command duty.

0804. Organization of Commands.

All commands and other activities of the Department of the Navy shall be organized and administered in accordance with law, United States Navy Regulations, and the orders of competent authority. All orders and instructions of the commanding officer shall be in accordance therewith.

0805. Effective Organized Force Always Present.

Under no circumstances shall any ship or station be left without an organized force that will be effective in any emergency, and, consistent with existing requirements, capable of ensuring satisfactory operation.

0806. Relationship With Executive Officer.

The commanding officer shall keep the executive officer informed of the commanding officer's policies, and normally shall issue all orders relative to the duties of the command through the executive officer. Normally, the commanding officer shall require that all communications of an official nature from subordinates to the commanding officer be transmitted through the executive officer. Convening authorities, however, shall communicate directly with their staff judge advocates or legal officers in matters relating to the administration of military justice.

0807. Relieving Procedures.

1. A commanding officer about to be relieved of command will:

a. Inspect the command in company with the relieving officer.

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b. In the case of a ship, and within other commands where appropriate, cause the crew to be exercised in the presence of both the commanding officer and the relieving officer at general quarters and general drills, unless conditions render it impracticable or inadvisable.

c. Point out any defects or peculiarities of the command, noting particularly deficiencies in safety, operational readiness, training, habitability or material conditions, and account for them to the relieving officer.

d. Deliver to his or her relief all unexecuted orders, all regulations and orders in force and all official correspondence and information concerning the command and the personnel thereof as may be of service to the relieving officer. The commanding officer will not remove the original records of official correspondence, original letters, documents or papers concerning the command and personnel thereof, but may retain authenticated copies thereof.

e. Deliver to his or her relief all documents required by these regulations to be either kept or supervised by the commanding officer. If a Navy post office is established within the command, the commanding officer will deliver to his or her relief a current audit of postal accounts and effects.

f. Deliver all magazine and other keys in his or her custody to the relieving officer.

g. Cause all Communications Security material charged to the command to be inventoried in accordance with the provisions of the Communications Security Material System Manual.

h. Submit reports of fitness of officers and sign all log books, journals and other documents requiring his or her signature up to the date of his or her relief.

i. At the time of turning over command, the commanding officer to be relieved will call all hands to muster, read the orders of detachment and turn over the command to his or her relief, who will read the orders of relief and assume command. At shore activities, this procedure may be modified as appropriate.

2. The officer relieved, although without authority after turning over the command, is, until final departure, entitled to all the

ceremonies and distinctions accorded a commanding officer.

3. The officer being relieved will prepare a report of transfer of command listing any unsatisfactory conditions within the command having the potential to affect adversely safety, well-being, readiness, fiscal integrity or command performance, and specifying a proposed plan to correct them. The officer succeeding to command will endorse this report. If the officer assuming command does not concur in the report, that officer will specify wherein the report is inaccurate or incomplete and will provide the officer being relieved the opportunity to make explanation. The officer assuming command will report the actual transfer of command as part of his or her endorsement. For a command of the operating forces of the Navy, a report of a normal, routine transfer of command will be addressed to the immediate superior in command, with copies to the chain of command. A report that identifies unsatisfactory conditions within the command, or contains adverse comments with respect to the command's state of readiness, will be forwarded via the chain of command, with a copy direct to the Commander in Chief of the fleet concerned. For a command not of the operating forces of the Navy, the report shall be addressed to the immediate superior of the officer succeeding to command, with copies direct to the appropriate offices which may have a direct interest. A copy will be retained by each of the officers between whom the transfer of command takes place.

4. When an officer detailed as commanding officer reports to a command having no regularly detailed commanding officer, the procedure prescribed in the preceding paragraphs of this article will be followed, insofar as is consistent with the circumstances.

0808. Inspections, Muster and Sighting of Personnel.

1. The commanding officer shall hold periodic inspections of the material condition of the command, not on weekends or holidays, to determine deficiencies and cleanliness. When the size of the command precludes completion of the inspection in a reasonable time, the

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commanding officer shall designate zones to be inspected by heads of departments or other responsible officers, and shall personally inspect at least one zone, alternating zones in order that the commanding officer inspects the entire command at minimum intervals.

2. The commanding officer shall ensure that, consistent with their employment, the personnel of the command present at all times a neat, clean and military appearance. To assist in attaining this standard of appearance, the commanding officer shall, in the absence of operational exigency, hold periodic personnel inspections. Saturday inspections may be held at sea and, in port and ashore, with personnel in duty status as participants. Otherwise, inspections shall not be held on weekends or holidays.

3. The commanding officer shall require a daily report of all persons confined, a statement of their offenses, and the dates of their confinement or release.

4. The presence of all persons attached to the command shall be accounted for daily. Persons who have not been sighted by a responsible senior shall be reported absent.

5. The prohibitions concerning weekend or holiday inspections do not apply to commands engaged in training reservists, and to other commands with the consent of a superior.

0809. Persons Found Under Incriminating Circumstances.

1. The commanding officer shall keep under restriction or surveillance, as necessary, any person not in the armed services of the United States who is found under incriminating or irregular circumstances within the command, and shall immediately initiate an investigation.

2. Should an investigation indicate that such person is not a fugitive from justice, or has not committed or attempted to commit an offense, the person shall be released at the earliest opportunity, except:

a. If the person is not a citizen of the United States, and the place of release is under the jurisdiction of the United States, the nearest Federal immigration authorities shall be notified as to the time and place of release

sufficiently in advance to permit them to take such steps as they deem appropriate.

b. Such persons shall not be released in territory not under the jurisdiction of the United States without first obtaining the consent of the proper foreign authorities, except where the investigation shows that the person entered the command from territory of the foreign state, or that the person is a citizen or subject of that state.

3. If the investigation indicates that such person has committed or attempted to commit an offense punishable under the authority of the commanding officer, the latter shall take such action as he or she deems necessary.

4. If the investigation indicates that such person is a fugitive from justice, or has committed or attempted to commit an offense which requires actions beyond the authority of the commanding officer, the latter shall, at the first opportunity, deliver such person, together with a statement of the circumstances, to the proper civil authorities.

5. In all cases under paragraph 4 of this article, a report shall be made promptly to the Chief of Naval Operations or the Commandant of the Marine Corps, as appropriate.

0810. Rules for Visits.

1. Commanding officers are responsible for the control of visitors to their commands and shall comply with the relevant provisions of Department of the Navy directives concerning classified information and physical security.

2. Commanding officers shall take such measures and impose such restrictions on visitors as are necessary to safeguard the classified material under their jurisdiction. Arrangements for general visiting shall always be made with due regard for physical security and based on the assumption that foreign agents will be among the visitors.

3. Commanding officers and others officially concerned shall exercise reasonable care to safeguard the persons and property of visitors to naval activities as well as taking those necessary precautions to safeguard the persons and property within the command.

0811. Dealers, Tradesmen and Agents.

1. In general, dealers or tradesmen or their agents shall not be admitted within a command, except as authorized by the commanding officer:

- a. to conduct public business;
- b. to transact private business with individuals at the request of the latter; or
- c. to furnish services and supplies which are necessary and are not otherwise, or are insufficiently, available to the personnel of the command.

2. Personal commercial solicitation and the conduct of commercial transactions are governed by policies of the Department of Defense.

0812. Postal Matters.

Commanding officers shall ensure that mail and postal funds are administered in accordance with instructions issued by the Postmaster General and approved for the naval service by the Chief of Naval Operations, and instructions issued by the Chief of Naval Operations, the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate; and that postal clerks or other persons authorized to handle mail perform their duties strictly in accordance with those instructions.

0813. Safeguarding Official Funds.

In the event of the death, unauthorized absence, or mental incapacity, as determined by the commanding officer on advice of a medical officer, of a person charged with pecuniary responsibility for official funds or Government property, or if it is necessary to relieve such person for any cause, including arrest or suspension, the commanding officer shall take immediate steps to safeguard such funds or property in accordance with the procedures prescribed by the Comptroller of the Navy and other competent authority.

0814. Deficit or Excess of Public Property.

1. Whenever it appears that a deficit or excess exists in public money or property in the custody of a person under his or her command, the commanding officer, unless excused under regulations of the Comptroller of the Navy, the Judge Advocate General, the Commander, Naval Supply Systems Command, or the

Commandant of the Marine Corps, as appropriate shall immediately:

a. cause an appropriate preliminary inquiry to be made to determine whether criminal investigation is warranted, and if so, request appropriate investigative support from the Naval Investigative Service, other military organizations, or other Federal agencies;

b. notify the Navy Accounting and Finance Center, the Chief of Naval Operations, Commander, Naval Supply Systems Command and the Commandant of the Marine Corps, as appropriate, and appropriate superiors; and

c. recommend or convene an administrative fact-finding body under the provisions of the Manual of the Judge Advocate General and, in case of loss or excess of property, a Board of Survey under the regulations of the Commander, Naval Supply Systems Command.

0815. Deaths.

The commanding officer, in the event of the death of any person within his or her command, shall ensure that the cause of death and the circumstances under which death occurred are established, and that the provisions of the Manual of the Judge Advocate General are adhered to in documenting the cause and circumstances of the death and in submitting the appropriate casualty report.

0816. The American National Red Cross.

1. Pursuant to the request of the Secretary of the Navy, and subject to such instructions as the Secretary may issue, the American National Red Cross is authorized to conduct a program of welfare, including social, financial, medical and dental aid, for naval personnel; to assist in matters pertaining to prisoners of war; and to provide such other services as are appropriate functions for the Red Cross. The American National Red Cross is the only volunteer society authorized by the Government to render medical and dental aid to the armed forces of the United States. Other organizations desiring to render medical and dental aid may do so only through the Red Cross.

2. Requests for Red Cross services shall be made to the Chief of Naval Personnel or the

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Commandant of the Marine Corps or, in the case of medical services, to the Commander, Naval Medical Command.

3. Activities and personnel of the American National Red Cross in areas subject to naval jurisdiction shall conform to such administrative regulations as may be prescribed by appropriate naval authority.

4. Red Cross personnel shall be considered to have the status of commissioned officers, subject to such restrictions as may be imposed by the Chief of Naval Personnel or the Commandant of the Marine Corps.

0817. Observance of Sunday.

1. Except by reason of necessity or in the interest of the welfare and morale of the command, the performance of work shall not be required on Sunday. Except by reason of necessity, ships shall not be sailed nor units of aircraft or troops be deployed on Sunday. The provisions of this paragraph need not apply to commands engaged in training reserve components of the Navy and Marine Corps.

2. Divine services shall be conducted on Sunday if possible. All assistance and encouragement shall be given to chaplains in the conduct of these services, and music shall be made available, if practicable. Chaplains shall be permitted to conduct public worship according to the manner and forms of the church of which they are members. A suitable space shall be designated and properly rigged for the occasion, and quiet shall be maintained throughout the vicinity during divine services. The religious preferences and the varying religious needs of individuals shall be recognized, respected, encouraged and ministered to as practicable. Daily routine in ships and activities shall be modified on Sunday, as practicable, to achieve this end.

3. When there is no chaplain attached to the command, the commanding officer shall engage the services of any naval or military chaplain who may be available; or, failing in this, shall, when practicable, invite and may remunerate a civilian clergyman to conduct religious services. Services led by laypersons are encouraged. Provision shall be made for sending and

receiving church parties as appropriate and practicable.

0818. Publishing and Posting Orders and Regulations.

1. In accordance with Article 137 of the Uniform Code of Military Justice, the articles specifically enumerated therein shall be carefully explained to each enlisted person:

a. at the time of entrance on active duty or within six days thereafter;

b. again, after completion of six months active duty; and

c. again, upon the occasion of each reenlistment.

2. A text of the articles specifically enumerated in Article 137 of the Uniform Code of Military Justice shall be posted in a conspicuous place or places, readily accessible to all personnel of the command.

3. Instruction concerning the Uniform Code of Military Justice and appropriate articles of Navy Regulations shall be included in the training and educational program of the command.

4. Such general orders, orders from higher authority and other matters which the commanding officer considers of interest to the personnel or profitable for them to know shall be published to the command as soon as practicable. Such matters shall also be posted, in whole or in part, in a conspicuous place or places readily accessible to personnel of the command.

5. Upon the request of any person on active duty in the armed services, the following publications shall be made available for that person's personal examination:

a. a complete text of the Uniform Code of Military Justice;

b. Manual for Courts-Martial;

c. Navy Regulations;

d. Manual of the Judge Advocate General;

e. Marine Corps Manual (for Marine Corps personnel); and

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f. Military Personnel Manual (for Navy personnel) or Marine Corps Personnel Manual (for Marine Corps personnel).

0819. Records.

The commanding officer shall require that records relative to personnel, material and operations, as required by current instructions, are maintained properly by those responsible therefor.

0820. Welfare of Personnel.

The commanding officer shall:

a. use all proper means to foster high morale, and to develop and strengthen the moral and spiritual well-being of the personnel under his or her command, and ensure that chaplains are provided the necessary logistic support for carrying out the command's religious programs to provide maximum opportunity for the free exercise of religion by members of the naval service;

b. maintain a satisfactory state of health and physical fitness of the personnel under his or her command;

c. afford an opportunity, with reasonable restrictions as to time and place, for the personnel under his or her command to make requests, reports or statements to the commanding officer, and shall ensure that they understand the procedures for making such requests, reports or statements;

d. ensure that noteworthy performances of duty of personnel under his or her command receive timely and appropriate recognition and that suitable notations are entered in the official records of the individuals; and

e. ensure that timely advancement in rating of enlisted persons is effected in accordance with existing instructions.

0821. Training and Education.

The commanding officer shall:

a. endeavor to increase the specialized and general professional knowledge of the personnel under his or her command by the frequent conduct of drills, classes and instruction, and by the utilization of appropriate fleet and service schools;

b. encourage and provide assistance and facilities to the personnel under his or her command who seek to further their education in professional or other subjects;

c. afford frequent opportunities to the executive officer, and to other officers of the ship as practicable, to improve their skill in ship handling;

d. require those lieutenants (junior grade) and first lieutenants who have less than two years commissioned or warrant service, and all ensigns and second lieutenants:

(1) to comply with the provisions prescribed for their instruction by the Chief of Naval Operations, the Commandant of the Marine Corps, or other appropriate authorities; and

(2) to receive appropriate practical instruction, as the commanding officer deems advisable, and to be detailed to as many duties successively as may be practicable.

e. when practicable, designate a senior officer or officers to act as advisors to junior officers. These senior officers shall assist junior officers to a proper understanding of their responsibilities and duties, and shall endeavor to cultivate in them officer-like qualities, a sense of loyalty and honor, and an appreciation of naval customs and professional ethics.

0822. Delivery of Personnel to Civil Authorities and Service of Subpoenas or Other Process.

1. Commanding officers or other persons in authority shall not deliver any person in the naval service to civil authorities except as provided by the Manual of the Judge Advocate General.

2. Commanding officers are authorized to permit the service of subpoenas or other process as provided by the Manual of the Judge Advocate General.

0823. Delivery of Orders to Personnel.

The commanding officer shall not withhold any orders or other communications received from higher authority for any person under his or her command, except for good and sufficient reasons, which he or she shall at once report to such higher authority. Communications of a personal

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nature may be withheld by a commanding officer for good reason until completion of mission or duty.

0824. Use and Transportation of Marijuana, Narcotics and Drugs.

1. The commanding officer shall conduct a rigorous program to prevent the illegal introduction, transfer, possession or use of marijuana, narcotics or other controlled substances as defined in these regulations. The program shall include publicity and instruction covering:

a. The dangers involved in drug abuse.

b. The Federal, state and local criminal liabilities which may result from introduction, possession, transfer or use, including penalties under the Uniform Code of Military Justice and other provisions of law to which individuals may be subjected.

c. The administrative measures, including discharge under other than honorable conditions, which may result.

2. The commanding officer shall exercise utmost diligence in preventing illegal importation of marijuana, narcotics or other controlled substances on board the command.

0825. Safety Precautions.

The commanding officer shall require that persons concerned are instructed and drilled in all applicable safety precautions and procedures, that these are complied with, and that applicable safety precautions, or extracts therefrom, are posted in appropriate places. In any instance where safety precautions have not been issued, or are incomplete, the commanding officer shall issue or augment such safety precautions as are deemed necessary, notifying, when appropriate, higher authorities concerned.

0826. Physical Security.

1. The commanding officer shall take appropriate action to safeguard personnel, to prevent unauthorized access to installations, equipment, material and documents, and to safeguard them against acts of espionage, sabotage, damage, theft and terrorism.

2. The commanding officer shall take appropriate action to protect and maintain the

security of the command against dangers from fire, windstorms, or other acts of nature.

0827. Effectiveness for Service.

The commanding officer shall:

a. exert every effort to maintain the command in a state of maximum effectiveness for war or other service consistent with the degree of readiness as may be prescribed by proper authority. Effectiveness for service is directly related to the state of personnel and material readiness; and

b. make him or herself aware of the progress of any repairs, the status of spares, repair parts and other components, personnel readiness and other factors or conditions that could lessen the effectiveness of his or her command. When the effectiveness is lessened appreciably, that fact shall be reported to appropriate superiors.

0828. Search by Foreign Authorities.

1. The commanding officer shall not permit a ship under his or her command to be searched on any pretense whatsoever by any person representing a foreign state, nor permit any of the personnel within the confines of his or her command to be removed from the command by any such person, so long as he or she has the capacity to repel such act. If force should be exerted to compel submission, the commanding officer is to resist that force to the utmost of his or her power.

2. Except as may be provided by international agreement, the commanding officer of a shore activity shall not permit his or her command to be searched by any person representing a foreign state, nor permit any of the personnel within the confines of his or her command to be removed from the command by such person, so long as he or she has the power to resist.

0829. Prisoners of War.

On taking or receiving prisoners of war, the commanding officer shall ensure that such prisoners are treated with humanity; that their personal property is preserved and protected; that they are allowed the use of such of their effects as may be necessary for their health; that they are supplied with proper rations; that they are properly guarded and deprived of all means of escape and revolt; and that the applicable

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provisions of the 1949 Geneva Conventions relative to the treatment of prisoners of war are followed.

0830. Captured Material.

1. On taking possession of any enemy ship, aircraft, installation or other property or equipment, the commanding officer shall:

a. adopt all possible measures to prevent recapture;

b. secure or remove enemy personnel;

c. secure and preserve the logs, journals, signal books, codes and ciphers, charts, maps, orders, instructions, blueprints, plans, diaries, letters and other documents found, and forward or deliver them at the earliest possible moment to the designated authority; and

d. preserve all captured enemy ordnance, machinery, fire-control equipment, electronic equipment, aviation equipment and other property of possible intelligence value, unless destruction is necessary to prevent recapture, and make this material promptly available for intelligence evaluation or other authorized use.

2. No captured enemy property, of whatever description, may be kept as a souvenir or for personal use except as specifically provided by the Secretary of the Navy.

0831. Casualty and Damage.

Immediately after its occurrence, the commanding officer shall submit a detailed report of the facts to the senior officer present, the Chief of Naval Operations, or the Commandant of the Marine Corps, as appropriate, and other superiors when:

a. a ship under his or her command touches the ground (except for landing ships or ships of a similar design making a landing without damage, or for a submarine resting on bottom as part of normal operations);

b. a ship under his or her command has a collision or other serious accident;

c. an aircraft under his or her command is involved in an accident which necessitates

extensive repairs, or otherwise requires review or action by higher authority; or

d. a shore activity under his or her command incurs a serious fire or other material casualty, or a serious personnel casualty occurs within the command.

0832. Environmental Pollution.

The commanding officer shall cooperate with Federal, State and local governmental authorities in the prevention, control and abatement of environmental pollution. If the requirements of any environmental law or regulation cannot be achieved because of operational considerations, insufficient resources or other reason, the commanding officer shall report to the immediate superior in the chain of command. The commanding officer should be aware of existing policies regarding pollution control, and should recommend remedial measures when appropriate.

0833. Issue of Personal Necessaries.

1. The commanding officer is authorized to direct, in writing, the issue of clothing and small stores to enlisted persons in a nonpay status, including those in debt to the Government, in such amount as he or she deems necessary for their health and comfort.

2. The commanding officer is likewise authorized to direct, in writing, the issue to such enlisted persons of certain other necessities, including toilet articles, in the manner and amount prescribed by the Commander, Naval Supply Systems Command, or the Commandant of the Marine Corps.

0834. Care of Ships, Aircraft, Vehicles and Their Equipment.

The commanding officer shall cause such inspections and tests to be made and procedures carried out as are prescribed by competent authority, together with such others as he or she deems necessary, to ensure the proper preservation, repair, maintenance and operation of any ship, aircraft, vehicle, and their equipment assigned to his or her command.

0835. Work, Facilities, Supplies or Services for Other Government Departments, State or Local Governments, Foreign Governments, Private Parties and Morale, Welfare and Recreational Activities.

1. Work may be done for or on facilities, and supplies or services furnished to departments and agencies of the Federal and State governments, local governments, foreign governments, private parties, and morale, welfare and recreational activities with the approval of a commanding officer provided:

a. The cost does not exceed limitations the Secretary of the Navy may approve or specify; and

b. In the case of private parties, it is in the interest of the government to do so and there is no issue of competition with private industry; and

c. In the case of foreign governments, a disqualification of a government has not been issued for the benefits of this article.

2. Work shall not be started nor facilities, supplies, or services furnished morale, welfare, and recreational activities not classified as instrumentalities of the United States, or state or local governments or private parties, until funds to cover the estimated cost have been deposited with the commanding officer or unless otherwise provided by law.

3. Work shall not be started, nor facilities, supplies, or services furnished other Federal Government departments and agencies, or expenses charged to non-appropriated funds of morale, welfare and recreational activities classified as instrumentalities of the United States, until reimbursable funding arrangements have been made.

4. Work, facilities, supplies, or services furnished non-appropriated fund activities classified as instrumentalities of the United States in the Navy Comptroller Manual shall be

funded in accordance with regulations of the Comptroller of the Navy.

5. Supplies or services may be furnished to naval vessels and military aircraft of friendly foreign governments (unless otherwise provided by law or international treaty or agreement):

a. On a reimbursable basis without an advancement of funds, when in the best interest of the United States:

(1) Routine port services (including pilotage, tugs, garbage removal, linehandling and utilities) in territorial waters or waters under United States control.

(2) Routine airport services (including air traffic control, parking, servicing and use of runways).

(3) Miscellaneous supplies (including fuel, provisions, spare parts, and general stores) but not ammunition. Supplies are subject to approval of the cognizant fleet or force commanders when provided overseas.

(4) With approval of the Chief of Naval Operations in each instance, overhauls, repairs, and alterations together with necessary equipment and its installation required in connection therewith, to vessels and military aircraft.

b. Routine port and airport services may be furnished at no cost to the foreign government concerned where such services are provided by persons of the naval service without direct cost to the Department of the Navy.

6. In cases of emergency involving possible loss of life or valuable property, work may be started or facilities furnished prior to authorization, or provision for payment, but in all such cases a detailed report of the facts and circumstances shall be made promptly to the Secretary of the Navy or to the appropriate authority.

7. Charges and accounting for any work, supplies or services shall be as prescribed in the Navy Comptroller Manual.

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Section 2. Commanding Officers Afloat

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0840. Unauthorized Persons on Board.

The commanding officer shall satisfy him- or herself that there is no unauthorized person on board before proceeding to sea or commencing a flight.

0841. Control of Passengers.

1. Control of passage in and protracted visits to aircraft and ships of the Navy by all persons, within or without the Department of the Navy, shall be exercised by the Chief of Naval Operations.

2. Nothing in this article shall be interpreted as prohibiting the senior officer present from authorizing the passage in ships and aircraft of the Navy by such persons as he or she judges necessary in the public interest or in the interest of humanity. The senior officer present shall report the circumstances to the Chief of Naval

Operations when he or she gives such authorization.

0842. Authority Over Passengers.

Except as otherwise provided in these regulations or in orders from competent authority, all passengers in a ship or aircraft of the naval service are subject to the authority of the commanding officer and shall conform to the internal regulations and routine of the ship or aircraft. The commanding officer of such ship or aircraft shall take no disciplinary action against a passenger not in the naval service, other than that authorized by law. The commanding officer may, when he or she deems such an action necessary for the safety of the ship or aircraft or of any person embarked, subject a passenger not in the naval service to such restraint as the circumstances require until such time as delivery to the proper authorities is possible. A report of the matter shall be made to an appropriate superior of the passenger.

0843. Relations With Organizations and Military Personnel Embarked for Passage.

1. Personnel of the naval service, and other United States armed forces or services, and foreign armed forces are subject to the orders of the commanding officer of the ship or aircraft commander. The provisions of this article shall be applied to organizations and personnel of foreign armed forces, insofar as is feasible, with regard for their customs and traditions.

2. The commanding officer of the ship or the aircraft commander shall respect the identity and integrity of organizational units; and

a. shall have all orders to personnel given through their respective chains of command insofar as practicable;

b. shall require that personnel wear the uniform which corresponds as nearly as practicable to the uniform prescribed for ship's company;

c. may require enlisted persons to perform their proportionate share of mess, watch, police and guard duty whenever he or she deems it advisable to divide those duties among personnel on board;

d. may require personnel, when in his or her opinion an emergency exists, to perform such duties as their special knowledge and skill may enable them to perform; and

e. has the power and the authority to order an offender placed in naval or military custody as is considered desirable, but in all cases where the offender is to be disembarked for disciplinary action by military authority, the offender shall be placed in military custody on board the ship or aircraft, if practicable.

3. The foregoing provisions of this article also apply to the Officer in Charge, Military Detachment, of an in-service ship of the Military Sealift Command, who is authorized to exercise the powers conferred thereby, subject to the paramount authority of the master.

4. When an organized unit is embarked for transportation only in a ship of the Navy, the officer in command of such organized unit shall retain the authority which he or she possessed over such unit prior to embarkation, including

the power to order special or summary courts-martial upon enlisted personnel under his or her command. Nothing in this paragraph shall be construed as impairing the paramount authority of the commanding officer of the ship over all persons embarked therein.

0844. Marriages on Board.

The commanding officer shall not perform a marriage ceremony on board his or her ship or aircraft. He or she shall not permit a marriage ceremony to be performed on board when the ship or aircraft is outside the territory of the United States, except:

a. in accordance with local laws and the laws of the state, territory or district in which the parties are domiciled; and

b. in the presence of a diplomatic or consular official of the United States, who has consented to issue the certificates and make the returns required by the consular regulations.

0845. Maintenance of Logs.

1. A deck log and an engineering log shall be maintained by each ship in commission, and by such other ships and craft as may be designated by the Chief of Naval Operations.

2. A compass record shall be maintained as an adjunct to the deck log. An engineer's bell book shall be maintained as an adjunct to the engineering log.

3. The Chief of Naval Operations shall prescribe regulations governing the contents and preparation of the deck and engineering logs and adjunct records.

4. In the case of a ship or craft equipped with automated data logging equipment, the records generated by such equipment satisfy the requirements of this article.

0846. Status of Logs.

The deck log, the engineering log, the compass record, the bearing book, the engineer's bell book and any record generated by automated data logging equipment shall each constitute an official record of the command.

0847. Responsibility of a Master of an In-Service Ship of the Military Sealift Command.

1. In an in-service ship of the Military Sealift Command, the master's responsibility is absolute, except when, and to the extent, relieved therefrom by competent authority. The authority of the master is commensurate with the master's responsibility. The master is responsible for the safety of the ship and all persons on board. He or she is responsible for the safe navigation and technical operation of the ship and has paramount authority over all persons on board. He or she is responsible for the preparation of the abandon ship bill and has exclusive authority to order the ship abandoned. The master may, using discretion, and when not contrary to law or regulations, delegate authority for operation of shipboard functions to competent subordinates. However, such delegation of authority shall in no way relieve the master of continued responsibility for the safety, well-being, and efficiency of the ship.

2. All orders and instructions of the master shall be in accordance with appropriate laws of the United States, and all applicable orders and regulations of the Navy, the Military Sealift Command, and the Office of Personnel Management. A master who departs from the orders or instructions of competent authority or takes official action contrary to such orders or instructions shall report immediately the circumstances to the authority from whom the prior orders or instructions were received.

3. The master has full authority to enforce appropriate laws of the United States and all applicable orders and regulations of the Navy, the Military Sealift Command, and the Office of Personnel Management. In furtherance of the master's authority to enforce the laws and maintain safety on board his or her ship, the master may:

a. conduct periodic inspections and surprise inspections throughout the ship to include messing and berthing areas; and

b. conduct searches throughout the ship, including messing and berthing areas, when there is reasonable suspicion that an offense has been committed and the evidence of the offense will be discovered by the search.

0848. Relations With Merchant Seamen.

When in foreign waters, the commanding officer, with the approval of the senior officer present, may receive on board as supernumeraries for rations and passage:

a. Distressed seamen of the United States for passage to the United States, provided they bind themselves to be amenable in all respects to Navy Regulations.

b. As prisoners, seamen from merchant vessels of the United States, provided that the witnesses necessary to substantiate the charges against the prisoners are received, or adequate means adopted to ensure the presence of such witnesses on arrival of the prisoners at the place where they are to be delivered to the civil authorities.

0849. Security of Magazines and of Dangerous Materials.

1. The commanding officer shall be the custodian of the keys to all spaces and receptacles containing projectiles, explosives and radioactive material and, when fitted, of all magazine floodcocks. He or she may designate such persons under his or her command to have custody of duplicate keys as he or she considers necessary. He or she shall prescribe conditions under which those persons may grant access to such spaces, but otherwise those spaces shall not be opened without the consent of the commanding officer.

2. Keys affiliated with nuclear weapons shall be maintained and with custody as directed by orders from competent authority.

3. The commanding officer shall ensure that, except when undergoing test or overhaul, the flooding and sprinkling systems are ready for use at all times.

4. The commanding officer shall ensure that flammable and other dangerous materials are stored and handled in a safe manner.

0850. Request for Inspection by Board of Inspection and Survey.

The commanding officer shall report to the Chief of Naval Operations without delay whenever the condition of the ship, or any department therein, is such as to require an inspection by the Board

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of Inspection and Survey. Such report shall be forwarded through official channels and bear the recommendations of the superiors concerned.

0851. Action With the Enemy.

The commanding officer shall:

a. Before going into battle or action communicate to the officers of the command, if possible, his or her plans for battle or action and such other information as may be of operational value should any of them succeed to command.

b. During action, station the executive officer where he or she can best aid the commanding officer, and, if practicable, where he or she could probably escape the effects of a casualty disabling the commanding officer, and yet be able to assume command promptly and efficiently.

c. During action, engage the enemy to the best of his or her ability. He or she shall not, without permission, break off action to assist a disabled ship or to take possession of a captured one.

d. Immediately after a battle or action, repair damage so far as possible, exert every effort to prepare the command for further service, and make accurate, explicit and detailed reports as required.

0852. Loss of a Ship.

1. In the case of the loss of a ship, the commanding officer shall remain by her with officers and crew so long as necessary and shall save as much Government property as possible. Every reasonable effort shall be made to save the deck log, personnel diary and pay records of officers and crew, and other valuable papers.

2. If it becomes necessary to abandon the ship, the commanding officer should be the last person to leave.

3. The commanding officer shall:

a. take all possible precautions to protect the survivors and such Government property as has been saved;

b. report to the nearest United States naval or military command and request instructions and such assistance as is required; and

c. report the circumstances to the Secretary of the Navy and the Chief of Naval Operations as soon as possible.

0853. Continuation of Authority After Loss of Ship or Aircraft.

When the crew of any naval vessel or naval aircraft is separated from their vessel or aircraft because of its wreck, loss or destruction, all the command and authority given to the officers of the vessel or aircraft shall remain in full force until the crew shall be regularly discharged or reassigned by competent authority.

0854. Hospital Ship or Medical Aircraft.

1. The commanding officer of a hospital ship or the commander of a medical aircraft shall be responsible for complying with the appropriate provisions of the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of the Armed Forces at Sea of 12 August 1949. Where necessary to the fulfillment of this responsibility, a departure from other provisions of Navy Regulations is authorized.

2. One of the central requirements under the 1949 Geneva Convention is that the ship or aircraft maintain a non-combatant status. Under this Convention, the following conditions do not deprive hospital ships or medical aircraft of their non-combatant status:

a. The fact that the crews are armed for the maintenance of order, for their own defense or that of the sick and wounded.

b. The presence on board of apparatus exclusively intended to facilitate navigation or unclassified communications.

c. The discovery on board hospital ships or in sick bays of portable arms and ammunition taken from the wounded, sick and shipwrecked and not yet handed to proper authorities.

d. The fact that humanitarian activities of hospital ships or of the crews extend to the care of the wounded, sick or shipwrecked persons.

e. The transport of equipment and of personnel intended exclusively for medical duties, over and above normal requirements of the hospital ship.

0855. Status of Boats.

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